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5/12/83

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)

-vs-)

FILM RECOVERY SYSTEMS CORPORATION, a)
Delaware Corporation, METALLIC MARKETING)
SYSTEMS CORPORATION, a Delaware)
Corporation, STEVEN O'NEIL, an Individual,)
B.R. MACKAY & SONS, INC., a Utah)
Corporation, MICHAEL MACKAY, an)
Individual, GEMINI LEASING COMPANY, INC.,)
an Illinois Corporation, LIVCO, INC., an)
Illinois Corporation, EAGLE TRAILER, INC.,)
an Illinois Corporation, TRAILERS)
UNLIMITED, INC., an Illinois Corporation,)
J's MOBILE SEMI-TRAILER REPAIR, INC., an)
Illinois Corporation, HBE TRAILER)
CORPORATION, a Missouri Corporation,)
AMERICAN INTERSTATE FREIGHT LINES, INC.,)
an Illinois Corporation, ALDENS, INC., an)
Illinois Corporation, J. FIORITO LEASING)
COMPANY, an Illinois Corporation, RED)
DEVIL MANUFACTURING, INC., an Illinois)
Corporation, FLEXI-VAN LEASING, INC., a)
Delaware Corporation, ANDRANIAK APPLIAN,)
an Individual d/b/a GENERAL DIESEL, FIRST)
INDUSTRIAL CORPORATION, an Illinois)
Corporation, WALDCO CORPORATION, an)
Illinois Corporation, DONALD JACKS, an)
Individual,)
Defendants)

COMPLAINT FOR INJUNCTION
AND OTHER RELIEF

Plaintiff, People of the State of Illinois, by Neil F.
Hartigan, Attorney General of the State of Illinois, complains of
Defendants, Film Recovery Systems Corporation, Metallic Marketing
Systems Corporation, Steven O'Neil, B.R. MacKay & Sons, Inc.,
Michael MacKay, Gemini Leasing Company, Inc., Livco, Inc., Eagle
Trailer, Inc., Trailers Unlimited, Inc., J's Mobile Semi-Trailer
Repair, Inc., HBE Trailer Corporation, American Interstate

Freight Lines, Inc., Aldens, Inc., J. Fiorito Leasing Company, Red Devil Manufacturing, Inc., Flexi-Van Leasing, Inc., Andraniak Applian, First Industrial Corporation, Waldco Corporation and Donald Jacks as follows:

COUNT I

1. This Count is brought by the Attorney General on his own motion and upon the request of the Illinois Environmental Protection Agency pursuant to the terms and provisions of Section 42 of the Illinois Environmental Protection Act, Ill. Rev. Stat., 1981, ch. 111 1/2, par. 1042 (the Act).

2. Defendant, Film Recovery Systems Corporation (Film Recovery) is a Delaware corporation licensed to do business in Illinois.

3. Defendant Metallic Marketing Systems Corporation (Metallic Marketing) is a Delaware corporation licensed to do business in Illinois.

4. Defendant Steven O'Neil is president of Film Recovery and Metallic Marketing.

5. Defendant B.R. MacKay & Sons Inc., (B.R. MacKay) is a Utah Corporation.

6. Defendant Michael MacKay is president of B.R. MacKay and vice-president of Film Recovery.

7. Defendant Gemini Leasing Company, Inc., (Gemini Leasing) is an Illinois corporation engaged in the business of leasing truck trailers and is the owner of certain real property located at 6201 South East Avenue, Hodgkins, Cook County, Illinois, where approximately thirty-nine (39) truck trailers leased by Gemini Leasing to Film Recovery are stored.

8. Defendant Livco Inc., (Livco) is an Illinois corporation engaged in the business of leasing truck trailers and is the owner of certain real property located at 6700 West 103rd Street, Chicago Ridge, Cook County, Illinois, where approximately eighteen (18) truck trailers leased by Livco to Film Recovery are stored.

9. Defendant Eagle Trailer, Inc., (Eagle) is an Illinois corporation engaged in the business of leasing truck trailers and is the owner of certain real property located at 7710 West 57th Street, Summit, Cook County, Illinois, where approximately thirty-seven (37) truck trailers leased by Eagle to Film Recovery are stored.

10. Defendant Trailers Unlimited, Inc., (Trailers Unlimited) is an Illinois corporation engaged in the business of leasing truck trailers which has leased approximately fifteen (15) truck trailers to Film Recovery, fourteen (14) of which are stored at the site identified below in paragraph 11 and one (1) which is stored at the site identified below in paragraph 18.

11. Defendant J's Mobile Semi-Trailer Repair, Inc., (J's Mobile Semi-Trailer) is an Illinois corporation and the owner of certain real property located at 8765 West Joliet Road, McCook, Cook County, Illinois, where the approximately fourteen (14) truck trailers leased by Trailers Unlimited to Film Recovery identified above in paragraph 10 are stored.

12. Defendant HBE Trailer Corporation (HBE Trailer) is a Missouri Corporation licensed to do business in Illinois engaged in the business of leasing truck trailers and the owner of certain real property located at 15W580 Frontage Road, Hinsdale, Cook County, Illinois, where the approximately seven (7) truck trailers leased by HBE Trailer to Film Recovery are stored.

13. Defendant American Interstate Freight Lines, Inc., (American Interstate) is an Illinois corporation engaged in the business of leasing truck trailers which has leased approximately twenty-six (26) truck trailers to Film Recovery.

14. Defendant Aldens, Inc., (Aldens) is an Illinois Corporation and the owner of certain real property located at 5000 West Roosevelt Road, Chicago, Cook County, Illinois, where the approximately twenty-six (26) truck trailers leased by American Interstate to Film Recovery and identified above in paragraph 13 are stored.

15. Defendant J. Fiorito Leasing Company (Fiorito Leasing) is an Illinois corporation engaged in the business of leasing truck trailers which has leased approximately twenty-nine

(29) truck trailers to Film Recovery. Two of these trailers are stored on certain real property owned by Fiorito (Leasing) located at 3739 North Podlin, Franklin Park, Cook County, Illinois. Twenty-five are stored at the site identified below in paragraph 16 and two (2) are stored at the site identified below in paragraph 18.

16. Defendant Red Devil Manufacturing Inc., is an Illinois corporation and the owner of certain real property located at 5995 North River Road, Rosemont, Cook County, Illinois where approximately twenty-five (25) of the trailers leased by Fiorito Leasing to Film Recovery identified above in paragraph 15 are stored.

17. Defendant Flexi-Van Leasing, Inc., (Flexi-Van) is a Delaware corporation licensed to do business in Illinois engaged in the business of leasing truck trailers which has leased one (1) trailer to Film Recovery.

18. Defendant Andraniak Applian is an individual doing business as General Diesel and the owner of certain real property located at 2200 Higgins Road, Elk Grove Village, Cook County, Illinois, where the truck trailer leased by Flexi-Van to Film Recovery identified above in paragraph 17, the truck trailer leased by Trailers Unlimited to Film Recovery identified above in paragraph 10 and the two (2) truck trailers leased by Fiorito Leasing to Film Recovery identified above in paragraph 15 are stored.

19. Defendant First Industrial Corporation is an Illinois corporation which owns buildings 107 and 115 in the Green River Industrial Park, Route #4, Dixon, Lee County, Illinois.

20. Defendant Waldco Corporation (Waldco) is an Illinois corporation which is the lessee of the buildings identified above in paragraph 19. Defendant Donald Jacks is the president of Waldco.

21 Beginning in July 1980 and continuing until the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay have engaged in the business of recovering silver from scrap x-ray film at a facility located at 1855 Greenleaf, Elk Grove Village, Cook County, Illinois. As a result of the process involved in the silver recovery said Defendants have generated shredded pieces of x-ray film coated with cyanide. Said pieces of film exhibit the characteristic of reactivity as defined in 35 Ill. Adm. Code 721.123 (a)(5) and, therefore, are hazardous waste pursuant to 35 Ill. Adm. Code 721.120(a).

22. Beginning in July 1980 and continuing from time to time until the present, Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay have transported said hazardous waste in truck trailers leased from the Defendants identified above in paragraphs 7, 8, 9, 10, 12, 13, 15 and 17 and have stored and are storing said hazardous waste at the locations identified above in paragraphs 7, 8, 9,

11, 12, 14, 15, 16 and 18. Said Defendants have also transported said hazardous waste to the buildings identified above in paragraph 19 for storage.

23. Section 21(i) of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(i) states that:

No person shall:

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

24. Pursuant to authority granted by Section 22.4 of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1022.4, the Illinois Pollution Control Board adopted Standards Applicable to Generators of Hazardous Waste, 35 Ill. Adm. Code 722 (Generator Standards). Said Generator Standards became effective on May 17, 1982.

25. From May 17, 1982 and continuing to the present Defendants, Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay, have failed to comply with the Generator Standards as follows:

- a) failure to determine if the waste generated is a hazardous waste as required by Section 722.111;
- b) failure to receive an identification number from the United States Environmental Protection Agency (USEPA) as required by Section 722.112;
- c) failure to prepare a manifest as required by Section 722.120 and therefore failure to supply the required information specified in Section 722.121, and failure to use the manifest as required by Section 722.123;

- d) failure to package the hazardous waste as required by Section 722.130;
- e) failure to label the hazardous waste as required by Section 722.131;
- f) failure to mark the hazardous waste as required by Section 722.132;
- g) failure to placard the hazardous waste as required by Section 722.133;
- h) failure to keep all records specified by Section 722.140;
- i) failure to submit annual reports as required by Section 722.141;

26. The acts and omissions of Defendants Film

Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay, described above in paragraph 25 constitute violations of Section 21(i) of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(i), and of the Generator Standards listed above in paragraph 25.

27. Rule 301 of the Illinois Pollution Control Board

Rules and Regulations, Chapter 9: Special Waste Hauling Regulations (hereinafter Waste Hauling Rules) provides:

301 Requirements for Delivery of Special Waste to Haulers

No person shall deliver any special waste generated within Illinois or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Part V of this Chapter to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Part II of this Chapter. (emphasis added)

28. Rule 501(a) of the Waste Hauling Rules provides:

501 Manifests, Records, Access to Records and Reporting Requirements

a. Any person who delivers special waste to a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destination of the special waste. The manifest which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste; when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and the name and quantity of the special waste delivered to the hauler. (emphasis added)

29. Rule 501(b) of the Waste Hauling Rules provides in pertinent part that:

b. ...the person who delivers special waste to a special waste hauler shall send one copy of the manifest signed by the deliverer and the special waste hauler to the Agency within two working days and shall retain one copy as a record. (emphasis added)

30. Rule 501(e) of the Waste Hauling Rules provides in pertinent part that:

e. Every person who delivers special waste to a special waste hauler...shall retain a copy of the special waste manifest as a record of all special waste transactions. These copies shall be retained for three years and shall be made available at reasonable times for inspection and photocopying by the Agency. (emphasis added)

31. The term "special waste" as defined by Waste Hauling Rule 103 includes "hazardous waste."

32. From July 1980 and continuing from time to time until the present, Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay have delivered

special waste generated in Illinois to haulers for storage, disposal or treatment without completing or delivering or retaining any manifests and without sending any manifests to the Agency in violation of Waste Hauling Rules 301, 501(a), (b) and (e) and Section 21(i) of the Act.

WHEREFORE, Plaintiff, the People of the State of Illinois pray that the Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay from violating Section 21(i) of the Act, the Generator Standards listed in paragraph 25 and Waste Hauling Waste Rules 301, 501(a), (b) and (e).

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay each to pay a civil penalty of \$25,000 per day for each violation of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay to pay for the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT II

1-22. Plaintiff realleges paragraphs 1 through 22 of Count I as paragraphs 1 through 22 of this Count II.

23. Section 21(g)(1) of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(g)(1) provides in pertinent part that:

No person shall:

(g) Conduct any hazardous waste-transportation operation:

1. Without a permit issued by the Agency...

24. Waste Hauling Rule 201 provides:

201 Special Waste Hauling Permits - General

No person shall haul or otherwise transport any special waste generated within Illinois or any special waste to be disposed of, stored or treated within Illinois without a current, valid waste hauling permit issued by the Agency in accordance with the requirements of this Part unless the hauler is exempt from the special waste hauling permit requirements under this Part. (emphasis added)

25. The term "special waste" as defined by Waste Hauling Rule 103 includes "hazardous waste."

26. Defendants are not exempt under Waste Hauling Rule 211 from the permit requirements of Waste Hauling Rule 301.

27. From July 1980 and continuing to the present, Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay have transported special waste generated in Illinois and stored said waste in Illinois without a current, valid waste hauling permit issued by the Agency in

violation of Waste Hauling Rule 201 and Section 21(g)(1) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois pray that the Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay from violating Section 21(g)(1) of the Act and Waste Hauling Rule 201.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. Mackay, Steven O'Neil and Michael MacKay each to pay a civil penalty of \$25,000 per day for each violation of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay to pay for the costs of this proceeding.

4. An Order for such other relief as the Court deems appropriate.

COUNT III

1-22. Plaintiff realleges paragraphs 1 through 22 of Count I as paragraphs 1 through 22 of this Count III.

23. Section 21(g)(2) of the Act, Ill. Rev. Stat., 1981, ch. 111 1/2, par. 1021(g)(2) provides that:

No person shall:

(g) Conduct any hazardous waste-transportation operation:

2. In violation of any regulations or standards adopted by the Board under this Act.

24. Pursuant to authority granted by Section 22.4 of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1022.4, the Illinois Pollution Control Board adopted Standards Applicable to Transporters of Hazardous Waste, 35 Ill. Adm. Code 723 (Transporter Standards). Said Transporter Standards became effective on May 17, 1982.

25. From May 17, 1982 and continuing until the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay have failed to comply with the Transporter Standards referenced above in paragraph 24 as follows:

(a) failure to receive a USEPA identification number as required by Section 723.111;

(b) failure to comply with the manifest requirements of Section 723.120(a), (b), (c) and (d);

(c) failure to keep records as specified by Section 723.122;

26. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay, described above in paragraph 25 constitute violations of the Transporter Standards and Section 21(g)(2) of the Act.

27. Waste Hauling Rule 302(b) provides that:

No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by Chapter 7, as well as all other applicable permits as required by the Act and Board regulations. (emphasis added)

28. Waste Hauling Rule 501(d) provides in pertinent part that:

In all cases, the special waste hauler shall deliver three copies of the complete, signed manifest to the person who accepts delivery of special waste from the hauler. The special waste hauler shall retain one copy of the completed, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. (emphasis added)

29. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay have delivered special waste in Illinois for storage at the sites described above in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19. Said sites do not have valid operating permits issued by the Agency or the necessary supplemental permits required by the Illinois Pollution Control Board Rules and Regulations, Chapter 7: Solid Waste. Said Defendants also failed to deliver signed manifests and to retain a copy thereof. These acts and omissions of Defendants are in violation of Waste Hauling Rules 302(b) and 501(d) and Section 21(g)(2) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois pray that the Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay from violating Section 21(g)(2) of the Act, the Transporter Standards listed in paragraph 25 and Waste Hauling Rules 302(b) and 501(d).

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay each to pay a civil penalty of \$25,000 per day for each violation of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate

COUNT IV

1-22. Plaintiff realleges paragraphs 1 through 22 of Count I as paragraphs 1 through 22 of this Count IV.

23. Section 21(e) of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(e) provides in pertinent part that:

No person shall:

(e)...store any waste...except at a site or facility which meets the requirements of this Act and of the regulations and standards thereunder;

24. Section 21(f)(2) of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(f)(2) provides that:

No person shall:

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operations:

2. In violation of any regulations or standards adopted by the Board under this Act.

25. Rule 201 of the Illinois Pollution Control Board Rules and Regulations, Chapter 7: Solid Waste (Solid Waste Rules) provides:

Rule 201; Development Permits

Subject to such exemption as expressly provided in Section 21(e) [now Section 21(d)(1)] of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the development of any new solid waste management site or cause or allow the modification of an existing solid waste management site without a Development Permit issued by the Agency. (emphasis added)

26. Solid Waste Rule 202(a) provides:

Rule 202: Operating Permits.

(a) New Solid Waste Management Sites.

Subject to such exemption as expressly provided in Section 21(e) [now Section 21(d)(1)] of the Environmental Protection Act as to the requirement of obtaining a permit, no person shall cause or allow the use or operation of any solid waste management site for which a Development Permit is required under Rule 201 without an Operating Permit issued by the Agency, except for such testing operations as may be authorized by the Development Permit. (emphasis added)

27. None of the Defendants are subject to the exemption expressly provided in Section 21(d)(1) of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1021(d)(1), and referred to in Solid Waste Rules 201 and 202(a).

28. The locations referred to above in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19 are solid waste management sites as defined by Solid Waste Rule 104(u) which provides:

u. Solid waste management-the process of storage, processing or disposal of solid wastes, not including hauling or transport.

29. Waste Hauling Rule 302(a) provides:

No person shall accept special waste for disposal, storage, or treatment within Illinois from a special waste hauler unless the special waste hauler has a valid special waste hauling permit issued by the Agency under Part II of this Chapter and concurrently presents to the receiver of the special waste, or his agent, a completed, signed manifest as required by Part V of this Chapter, which manifest designates the receiver's facility as the destination for the special waste. (emphasis added)

30. Pursuant to authority granted by Section 22.4 of the Act, Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1022.4, the Illinois Pollution Control Board adopted Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 35 Ill. Adm. Code 725 (Interim Status Standards). Said Interim Status Standards became effective on May 17, 1982.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 7, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing have failed to comply with the Interim Status Standards at the hazardous waste-storage site identified above in paragraph 7 as follows:

- (a) failure to apply for a USEPA identification number as required by Section 725.111;
- (b) failure to obtain a detailed chemical and physical analysis of a representative sample of the waste, as required by Section 725.113;
- (c) failure to provide adequate security as required by Section 725.114;
- (d) failure to inspect the facility in the manner required by Section 725.115;
- (e) failure to train facility personnel as required by Section 725.116;
- (f) failure to take precautions to prevent accidental reaction of reactive waste, as required by Section 725.117;
- (g) failure to maintain and operate the facility so as to minimize the possibility of any unplanned sudden or nonsudden release of hazardous waste into the environment as required by Section 725.131;
- (h) failure to have a contingency plan as required by Section 725.151;
- (i) failure to maintain and submit a contingency plan, as required by Section 725.153;
- (j) failure to have an emergency coordinator, as required by Section 725.155;
- (k) failure to prepare and submit unmanifested waste reports, as required by Section 725.176;
- (l) failure to have a written closure plan, as required by Section 725.212;
- (m) failure to maintain containers holding hazardous waste, as required by Section 725.271;

(n) failure to inspect containers as required by Section 725.274;

(o) failure to locate containers holding reactive waste at least 15 meters (50 feet) from the facility's property line as required by Section 725.276;

(p) placing reactive waste in a pile contrary to Section 725.356.

33. The acts and omissions of Defendants Film

Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing, described above in paragraph 32 constitute violations of the Interim Status Standards listed above in paragraph 32 and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present

Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 7, without Development and Operating Permits issued by the Illinois Environmental Protection Agency (the Agency) in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief;

1. A permanent injunction enjoining Defendants, Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation, and \$25,000 per day for each violation of Section 21(f)(2) of the Act and the regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Gemini Leasing to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT V

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count V.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco since July 1980 have conducted a hazardous waste storage operation at the site

identified in paragraph 8, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco, have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 8.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 8, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a waste hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation, and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Livco to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT VI

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count VI.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 9, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 9.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 9, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a

completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation, and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Eagle Trailer to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT VII

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count VII.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile Semi-Trailer since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 11, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile Semi-Trailer have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 11.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile Semi-Trailer described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile

Semi-Trailer have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 11, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202 (a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile Semi-Trailer from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile Semi-Trailer each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for

each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Trailers Unlimited and J's Mobile Semi-Trailer to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT VIII

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count VIII.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 12, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 12.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 12, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and HBE Trailer to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT IX

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count IX.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, American Interstate and Aldens since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 14, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, American Interstate and Aldens have failed to comply with the Interim Status Standards listed above

in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 14.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, American Interstate and Aldens described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f) (2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, American Interstate and Aldens have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 14, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f) (2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f) (2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael

MacKay, American Interstate and Aldens from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, American Interstate and Aldens each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, American Interstate and Aldens to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT X

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count X.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing since July 1980 have conducted a hazardous waste storage operation at

the site identified in paragraph 15, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 15.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 15, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rule 201 and 202 (a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B .R. MacKay, Steven O'Neil, Michael MacKay and Fiorito Leasing to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT XI

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count XI.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing and Red Devil Manufacturing since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 16, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing and Red Devil Manufacturing have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 16.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing and Red Devil Manufacturing described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing and Red Devil Manufacturing have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 16, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the

Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing and Red Devil Manufacturing from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing and Red Devil Manufacturing each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay,

Fiorito Leasing and Red Devil Manufacturing to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT XII

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count XII.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 18, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 18.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian described above in paragraph 32 constitute

violations of the Interim Status Standards and Sections 21(f) (2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 18, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rules 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, Fiorito Leasing, Trailers Unlimited, Flexi-Van and Andraniak Applian to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT XIII

1-30. Plaintiff realleges paragraphs 1 through 30 of Count IV as paragraphs 1 through 30 of this Count XIII.

31. Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks since July 1980 have conducted a hazardous waste storage operation at the site identified in paragraph 19, a site which does not meet the requirements of the Act and regulations thereunder.

32. From May 17, 1982 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven

O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks have failed to comply with the Interim Status Standards listed above in sub-paragraphs (a) through (p) of paragraph 32 of Count IV at the hazardous waste-storage site identified above in paragraph 19.

33. The acts and omissions of Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks described above in paragraph 32 constitute violations of the Interim Status Standards and Sections 21(f)(2) and 21(e) of the Act.

34. From July 1980 and continuing to the present Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks have developed and operated a solid waste management site as that term is defined in Solid Waste Rule 104 at the location described above in paragraph 19, without Development and Operating Permits issued by the Agency in violation of Solid Waste Rules 201 and 202(a) and Sections 21(f)(2) and 21(e) of the Act. Said Defendants have also accepted special waste for storage from a hauler that does not have a special waste hauling permit issued by the Agency and without a completed manifest in violation of Waste Hauling Rule 302(a) and Sections 21(f)(2) and 21(e) of the Act.

WHEREFORE, Plaintiff, People of the State of Illinois, pray that this Court grant the following relief:

1. A permanent injunction enjoining Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks from violating Sections 21(f)(2) and 21(e) of the Act, the Interim Status Standards, Solid Waste Rule 201 and 202(a) and Waste Hauling Rule 302(a), and requiring said Defendants to dispose of the hazardous waste stored on the subject site in accordance with applicable laws and regulations.

2. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks each to pay a civil penalty of \$10,000 for each violation of Section 21(e) of the Act plus \$1,000 per day of violation and \$25,000 per day for each violation of Section 21(f)(2) of the Act and regulations thereunder.

3. An Order requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil, Michael MacKay, First Industrial, Waldco and Donald Jacks to pay the costs of this proceeding.

4. An Order for such other relief as this Court deems appropriate.

COUNT XIV

1. This Count is brought by Neil F. Hartigan, Attorney General for the State of Illinois, pursuant to his common law

power and duty to maintain actions for the abatement of public nuisances.

2-34. Plaintiff realleges paragraphs 2 through 34 of Counts IV through XIII as paragraphs 2 through 34 of this Count XIV.

35. The continued presence of hazardous waste materials described in paragraph 21 at the locations identified in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19, many of which are unsecured and unprotected from public access creates a distinct threat to the public health, safety and welfare and a threat of contamination to the environment of the State of Illinois.

36. Any release of said hazardous waste from the locations referred to above in paragraph 35 into the environment will further endanger the public health, safety and welfare by threatening illness or death to persons or animals which may come in contact with said hazardous waste.

37. The facts alleged in paragraphs 2 through 22 and the injuries to the public health and welfare alleged in paragraphs 35 and 36, constitute a public nuisance.

38. The continued presence of said hazardous waste at the locations identified above in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19 causes Plaintiff irreparable injury for which there is no adequate remedy at law for once said hazardous waste enters the environment of the State of Illinois, substantial and

irreversible injury will have occurred to the citizens and environment of the State of Illinois.

39. Unless enjoined by this Court, the public nuisance posed by the continued presence of hazardous waste at the locations identified in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19, will continue unabated.

WHEREFORE, Plaintiff, People of the State of Illinois pray that the Court grant the following relief:

1. A permanent injunction requiring Defendants Film Recovery, Metallic Marketing, B.R. MacKay, Steven O'Neil and Michael MacKay to prevent any release of hazardous waste from the sites identified in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19, and requiring them to dispose of the hazardous waste stored on said sites in accordance with applicable laws and regulations.

2. A Permanent injunction requiring Defendants, Film Recovery Systems Corporation, Metallic Marketing Systems Corporation, Steven O'Neil, B.R. MacKay & Sons, Inc., Michael MacKay, Gemini Leasing Company, Inc., Livco, Inc., Eagle Trailer, Inc., Trailers Unlimited, Inc., J's Mobile Semi-Trailer Repair, Inc., HBE Trailer Corporation, American Interstate Freight Lines, Inc., Aldens, Inc., J. Fiorito Leasing Company, Red Devil Manufacturing, Inc., Flexi-Van Leasing, Inc., Andraniak Applian, First Industrial Corporation, Waldco Corporation and Donald Jacks, respectively, to prevent any release of hazardous waste

from each site identified in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19, to the extent that each of said Defendants is alleged to be storing hazardous waste at such site, and requiring each of said Defendants to dispose of all hazardous waste stored on said sites in accordance with applicable laws.

3. An Order requiring all of the aforementioned Defendants to immediately secure the sites identified in paragraphs 7, 8, 9, 11, 12, 14, 15, 16, 18 and 19, to the extent that each Defendant is alleged to be storing hazardous waste at such sites.

4. An Order requiring all of the aforementioned Defendants to pay the costs of this proceeding.

5. An Order for such other relief as this Court deems appropriate.

PEOPLE OF THE STATE OF ILLINOIS

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